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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

WESLEY EVANS,

Defendant.

2:07-CR-116 JCM (GWF)

Date: N/A

Time: N/A

ORDER

Presently before the court is *pro se* defendant Wesley Evans' motion for transcripts. (Doc. #15). The court dismissed without prejudice the criminal information against defendant on December 30, 2008. (Doc. #14).

Defendant asserts that he has a 28 U.S.C. § 2255 "motion before the court in another district." (Doc. #14). Thus, defendant requests transcripts for all of his and his wife's appearances in United States district court in Las Vegas from "March 13, 2007, and dates thereafter." (Doc. #14).

Pursuant to 28 U.S.C. § 753(f), the court may grant a motion requesting transcripts at government expense if the court certifies that the suit or appeal is not frivolous. *See also Henderson v. United States*, 734 F.2d 483 (9th Cir. 1984) (stating that the court must find that the appeal is not frivolous and presents a substantial issue before granting a motion for transcripts).

The court declines to grant defendant's request for transcripts. Pursuant to 28 U.S.C. § 753(f), this court is required to certify that the suit or appeal is not frivolous before it can grant a motion for transcripts. Here, defendant does not identify the location, case number, or content of

1 his § 2255 motion in the other court. Thus, this court has no basis upon which to find that the suit
2 or appeal is not frivolous. *See* 28 U.S.C. § 753(f).

3 Accordingly,

4 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that *pro se* defendant Wesley
5 Evans' motion for transcripts (doc. #15) be, and the same hereby is, DENIED.

6 DATED June 19, 2012.

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9 **UNITED STATES DISTRICT JUDGE**